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| APPLICATION NO. | FILING DATE | FIRST NAMED INVENTOR | ATTORNEY DOCKET NO. | CONFIRMATION NO. |
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| 10/613,151      | 07/03/2003  | Patrick Goldsack     | B-5151 621070-0     | 6797             |

7590 07/26/2007  
HEWLETT-PACKARD COMPANY  
Intellectual Property Administration  
P.O. Box 272400  
Fort Collins, CO 80527-2400

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| EXAMINER |
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CHOJNACKI, MELLISSA M

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| ART UNIT | PAPER NUMBER |
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2164

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| MAIL DATE | DELIVERY MODE |
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07/26/2007

PAPER

**Please find below and/or attached an Office communication concerning this application or proceeding.**

The time period for reply, if any, is set in the attached communication.

**Office Action Summary**

Application No.

10/613,151

Applicant(s)

GOLDSACK, PATRICK

Examiner

Melissa M. Chojnacki

Art Unit

2164

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

**Period for Reply**

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) OR THIRTY (30) DAYS, WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

**Status**

- 1) ☒ Responsive to communication(s) filed on 26 April 2007.
- 2a) ☐ This action is **FINAL**. 2b) ☒ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

**Disposition of Claims**

- 4) ☒ Claim(s) 15, 16 and 18-27 is/are pending in the application.
- 4a) Of the above claim(s) \_\_\_\_\_ is/are withdrawn from consideration.
- 5) ☐ Claim(s) \_\_\_\_\_ is/are allowed.
- 6) ☒ Claim(s) 15, 16 and 18-27 is/are rejected.
- 7) ☐ Claim(s) \_\_\_\_\_ is/are objected to.
- 8) ☐ Claim(s) \_\_\_\_\_ are subject to restriction and/or election requirement.

**Application Papers**

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☐ The drawing(s) filed on \_\_\_\_\_ is/are: a) ☐ accepted or b) ☐ objected to by the Examiner.
- Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
- Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

**Priority under 35 U.S.C. § 119**

- 12) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All b) ☐ Some \* c) ☐ None of:
- ☐ Certified copies of the priority documents have been received.
  - ☐ Certified copies of the priority documents have been received in Application No. \_\_\_\_\_.
  - ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

\* See the attached detailed Office action for a list of the certified copies not received.

  
SAM RIMELL  
PRIMARY EXAMINER

**Attachment(s)**

- ☐ Notice of References Cited (PTO-892)
- ☐ Notice of Draftsperson's Patent Drawing Review (PTO-948)
- ☐ Information Disclosure Statement(s) (PTO/SB/08)  
Paper No(s)/Mail Date \_\_\_\_\_
- ☐ Interview Summary (PTO-413)  
Paper No(s)/Mail Date. \_\_\_\_\_
- ☐ Notice of Informal Patent Application
- ☐ Other: \_\_\_\_\_

## **DETAILED ACTION**

### **Remarks**

1. In response to communications filed on April 26, 2007, claims 1-14 have been cancelled; claims 15 –16, and 18-27 have been amended, and no new claims have been added. Therefore, claims 15-16 and 18-27 are presently pending in the application.

### ***Claim Objections***

2. Claims 15-16, 18-26 are objected to because of the following informalities:

Claim 15 recites the limitation “**thereby** generate”, which defines the claim language as “intended use”. (See MPEP § 2111.04) Therefore, the claim language suggests or makes optional but does not require steps to be performed, or by claim language that does not limit a claim to a particular structure. Appropriate correction is required.

Claims 16, and 18-26 are objected to because they are dependent upon objected independent claim 15.

Claim 24 recites the limitation “**thereby** being”, which defines the claim language as “intended use”. (See MPEP § 2111.04) Therefore, the claim language suggests or makes optional but does not require steps to be performed, or by claim language that does not limit a claim to a particular structure. Appropriate correction is required.

### ***Claim Rejections - 35 USC § 112***

3. The following is a quotation of the second paragraph of 35 U.S.C. 112:

Art Unit: 2164

The specification shall conclude with one or more claims particularly pointing out and distinctly claiming the subject matter which the applicant regards as his invention.

4. Claims 15-16 and 18-27, are rejected under 35 U.S.C. 112, second paragraph, as being indefinite for failing to particularly point out and distinctly claim the subject matter which applicant regards as the invention.

Claims 15, and 27, recite the limitation "a new attribute set", which renders the claim vague and indefinite, because it is unclear as to what the "new attribute set" is, means or signifies in the claims. Furthermore, clarification needs to be made within the claim language in regards to "new attribute set", since the attribute set is not "new" but a combination or merger of the "first" and "second" attribute.

Claims 16, 18-26 and 28 are rejected under 35 U.S.C. 112, second paragraph, to because they are dependent upon objected independent Claims 15, and 27.

Claims 15 and 27, recite the limitation "end value", which renders the claim vague and indefinite, because it is unclear as to what the "end value" is, means or signifies in the claims.

Claims 16, 18-26 and 28 are rejected under 35 U.S.C. 112, second paragraph, to because they are dependent upon objected independent Claims 15, and 27.

Claims 15 and 27 recite the limitation "a further attribute", which is vague and indefinite because it is unclear what "further" signifies in the claim. Applicant did amend the claim language in regards to "further attribute" however the use of further is still

vague and indefinite because it is unclear what is meant by "further", is it "another" attribute set or sets? Clarification is required.

**Conclusion**

5. Any inquiry concerning this communication or earlier communications from the examiner should be directed to Melissa M. Chojnacki whose telephone number is (571) 272-4076. The examiner can normally be reached on 9:00am-5:30pm.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Charles Rones can be reached on (571) 272-4085. The fax phone number for the organization where this application or proceeding is assigned is 571-273-8300.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free). If you would like assistance from a USPTO Customer Service Representative or access to the automated information system, call 800-786-9199 (IN USA OR CANADA) or 571-272-1000.

July 20, 2007  
Mmc

  
SAM RIMELL  
PRIMARY EXAMINER